

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the previous amendments and following remarks.

Claims 8-14 are pending. By this Amendment, claim 8 is amended.

The Office Action rejects claims 8-14 under 35 U.S.C. §112 second paragraph. Specifically, the Examiner asserts that it is not clear what is meant by the recitation "roll level" in claim 8. Claim 8 is amended to recite "an aspiration connection is provided on the housing and is on or above a level of the rolls." The Examiner also asserts that it is not clear how a "feed pipe" is deemed a "pneumatic conveying device." This assertion is respectfully traversed because in claim 1 the pneumatic conveying device comprises a feed pipe. Put another way, the feed pipe is a part of the pneumatic conveying device.

The Office Action rejects claims 8-14 under 35 U.S.C. §103(a) over JP 2002-066362 to Takashi in view of U.S. Patent No. 3,173,188 to Wexler. This rejection is respectfully traversed.

Neither the Takashi publication nor the Wexler patent disclose or suggest "a lower end of a feeding device comprises a chute and is arranged above a venturi tube of the feed pipe" nor do these documents disclose "an aspiration connection is provided on the housing and is on or above a level of the rolls" as recited in Applicant's independent claim 8. Such features encompass Applicant's exemplary embodiment as illustrated in Fig. 1, wherein an inlet funnel 6 with an inclined chute is arranged in a way that its outlet ends just above the narrowing of the venturi tube 8 of feed pipe 7. The product moves from the chute and into the feed pipe 7. The venturi tube 8 enables a partial vacuum and therefore an increase in product speed.

Due to the partial vacuum, the product is sucked into the feed pipe 7. An aspiration connection 5' is provided on the housing.

The Examiner recognizes that the Takashi publication does not disclose a venturi tube. Applicant respectfully disagrees with the Examiner's assertion that the Wexler patent overcomes this deficiency of the Takashi publication.

In the Wexler patent, the disclosed jet 18 allows for the introduction of air or other gases which pushes filaments for formation of tobacco smoke filters into compacting and forming means. The Examiner asserts that the motivation to combine the features disclosed in the Takashi publication with jet 18 (having a terminal portion "L") of the Wexler patent would be to increase the product speed. However, the terminal portion "L" disclosed by the Wexler patent diverges in the direction of the compacting and forming means and thus decreases the speed of the filaments. Thus, the combination alleged by the Examiner would not have been suggested and/or obvious to try, and therefore would not have resulted in Applicant's presently claimed invention.

Applicant respectfully disagrees with the Examiner's assertion that the Wexler patent discloses a venturi. As defined by the American Heritage Dictionary, Second College Edition, a venturi is "A short tube with a constricted throat that is used to determine fluid pressures and velocities by measurement of differential pressure generated at the throat as the fluid traverses the tube." As disclosed in the Wexler patent at column 4, beginning at line 11, the terminal portion L of the exit end is in the form of a diverging venturi nozzle L. This does not match the definition of a venturi nozzle which has a constricted throat.

The Examiner recognizes that the Takashi publication does not disclose an aspiration connection provided on or above the husking rolls of the housing. The Examiner asserts it would have been an obvious matter of design choice to have the aspiration connection provided on or above the husking rolls on the housing. The Examiner also asserts that Applicant has not disclosed that having the aspiration connection on or above the husking rolls on the housing solves any stated problem or is for any particular purpose. This assertion is respectfully traversed. The Applicant's specification states on page 3, beginning at line 4 that in order to avoid counter pressure, an aspiration connection can be provided on the housing of the roll peeler. Thus, the aspiration connection addresses a stated problem and is for a particular purpose and the features of Applicant's claim 1 would not have resulted from a combination of the Takashi publication and the Wexler patent.

With respect to Applicant's dependent claim 10, neither the Takashi publication nor the Wexler patent discloses a feed pipe that can be swiveled or pivoted as in dependent claim 10. Such a feature is disclosed in Applicant's specification at page 4, fourth paragraph wherein in order to be able to feed a product exactly into a roll gap that changes due to wear and tear of the rollers, the feed pipe is mounted on a swiveling/pivoting mount 7' and equipped with an elastic transition between the pressure ventilator 10 and the feed pipe 7 to allow the wandering roll gap to be tracked. This feature is not addressed by the Examiner.

The remaining dependent claims are allowable for at least the reasons discussed above as well as for the individual features they recite.

Early and favorable action with respect to this application is respectfully requested.

Should the Examiner have any questions regarding this Amendment or the application in general, he is invited to contact the undersigned at the number provided below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: August 8, 2007

By: *M. Keane* 47,260
Patrick C. Keane
Registration No. 32,858

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620